IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 32854 of 2006(J)

PETITIONER:

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1. SHINE THOMAS,
   PRASANTH HOUSE, VENGALLOOR P.O.,
   THODUPUZHA, IDUKKI DISTRICT.

2. LILA A.M.,
   AMBATTUKUDIYIL HOUSE, SELLIYAMPARA P.O.,
   VELLATHOOVAL (VIA), IDUKKI DISTRICT.

3. MOHANAN T.K.,
   THERUVAYIL HOUSE, KOOVAKKANDAM P.O.,
   METHOTTY WEST, IDUKKI DISTRICT.

4. KALPAKAM RAJAN,
   CHERUKUNNATH HOUSE, KUDAYATHOOR P.O.,
   THODUPUZHA, IDUKKI DISTRICT.

5. NADEERAMOL A.,
   VELUTHEDATH HOUSE, MANNANCHERRY P.O.,
   ALAPPUZHA DISTRICT.

6. ZEENATH M.H.,
   PUZHITHARA HOUSE, MADRASA LANE, ALWAYE,
   ERNAKULAM DISTRICT.

7. AMBILY M.D.,
   PARUTHIPPALLIL HOUSE, KARAMALA P.O.,
   KOOTHATTUKULAM, ERNAKULAM.

8. SINDHU M.N.,
   MADATHIL HOUSE, MEMMURI,
   PAMPAKUDA P.O., MUVATTUPUZHA, ERNAKULAM DISTRICT.

9. LILLY JOSEPH,
   URAPPATTU HOUSE, KONNATHADY P.O.,
   IDUKKI DISTRICT.

BY ADV. SRI.N.RADHAKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY TO GOVERNMENT,
   GENERAL EDUCATION DEPARTMENT,
   THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION,
   IDUKKI.

3. KERALA PUBLIC SERVICE COMMISSION,
   REPRESENTED BY ITS SECRETARY,
   PATTOM PALACE P.O., THIRUVANANTHAPURAM.

4. THE DISTRICT OFFICER,
   KERALA PUBLIC SERVICE COMMISSION, IDUKKI.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007M, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 SERIES- TRUE COPY of the INTERVIEW MEMOS OF THE 1ST, 6TH AND 7TH PETITIONERS

EXT.P2 SERIES- TRUE COPY OF THE ADMISSION TICKET OF THE 6TH AND 7TH PETITIONERS

EXT.P3- TRUE COPY OF THE RANK LIST PUBLISHED IN MATHRUBHUMI THOZHIL VARTH DATED 1.4.04.

(TRUE COPY)

P.A TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.32854 of 2006

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Dated this the 30th day of October, 2007

JUDGMENT

The petitioners are candidates included in the rank list prepared by the Public Service Commission for appointment of the post of High School Assistant (Hindi) in Idukki District. The list came into force from 23.03.2004. The petitioners filed this writ petition on 08.12.2006 seeking direction to the second respondent to report vacancies for advise from the rank list. In view of the fact that the rank list is due to expire on 22.03.2007, on 16.03.2007, this Court passed an interim order directing the second respondent to report atleast ten vacancies. But it was also directed that advise need not be issued pursuant to the reporting of those vacancies without obtaining orders from this Court. Now it has to be decided as to whether the ten vacancies reported pursuant to the interim order could be filled up by advise from the rank list.

2. The learned Government Pleader while admitting that there are eight vacancies would contend that those vacancies cannot be filled up from the rank list prepared by the Public

Service Commission. The reasons are two fold. First is that going by the Cadre Strength which is 61 in Idukki district for H.S.A (Hindi), only 30% of the same amounting to 17 can be filled up by direct recruitment through P.S.C. As per the Government Order in force the Cadre Strength as to consist of direct recruits, Inter District Transferees, promotees and transferees from ministerial staff in the ratio of 3:3:3:1. At present there are 42 direct recruits working in Idukki District and therefore 25 persons has been appointed in excess through the method of direct recruitment. Therefore, there is no scope for appointing any further direct recruits is the one of the contentions. The second contention is that by carrying forward the vacancies which were available to Scheduled Castes/Scheduled Tribes, and not filled up during past years, out of eight vacancies available, six have to be earmarked for direct recruitment of SC/ST candidates. The remaining two are to be filled up from among promotees and by Inter District Transfer. However it is admitted that there are no applicants in those two categories. In the above circumstances I am of the opinion that

out of ten vacancies reported as per interim order of this Court only two can be filled up by advice from the rank list. I direct the Public Service Commission to advise candidates to the two vacancies above. The other vacancies reported shall be treated as cancelled.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

dvs